IN THE UNIT	ΓED STAT	ES DISTRICT COU	RT		
		STRICT OF VIRGI	1 (*** 1 T)		7
	Alexandria	Division	0.55		
				-890	
UNITED STATES OF AMERICA	)	UNDER SEAL	CLL		
<b>v.</b>	j j	Criminal No. 01-455-A			
ZACARIAS MOUSSAOUI,	)				

## GOVERNMENT'S MOTION FOR ADDITIONAL TIME TO RESPOND TO STANDBY COUNSEL'S SUBPOENA TO THE CENTRAL INTELLIGENCE AGENCY

For the reasons set forth below, the United States respectfully requests additional time beyond the return date of November 12 to respond to standby counsel's subpoena served on the CIA.

Standby counsel has served a trial subpoena on the CIA, seeking a very wide variety and large number of records. The trial subpoena has an early return date of November 12, 2002. The CIA Office of General Counsel is preparing a motion to quash the subpoena (but undersigned counsel have yet to receive a draft of the motion to quash).

In addition, two of the undersigned counsel will be out of the area to take the deposition of a foreign witness in this case next week. In light of the continuance of the trial date in this case, we suggest that there is no immediate reason to resolve issues relating to standby counsel's subpoena to the CIA outside the scope of criminal discovery.

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<sup>&</sup>lt;sup>1</sup> The Court's order of October 25, 2002, relating to the deposition of Faiz Bafana, resolves issues relating to the production of classified discovery before that deposition.

Accordingly, the United States respectfully requests an additional two weeks to respond to standby counsel's subpoena to the CIA.

Respectfully submitted,

Paul J. McNulty United States Attorney

By:

Robert A. Spencer

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David J. Novak

Assistant United States Attorneys

## Certificate of Service

I certify that on the 8<sup>th</sup> day of November 2002, a copy of the foregoing pleading was provided to defendant Zacarias Moussaoui through the U.S. Marshals Service and faxed and mailed to the following::

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